Sectt. H-27—45,000—19-10-39.

Revenue (1940) Department.

MS SERIES.

G.O. No. 2830

Dated 18-11-1940

[Despatch Abstract.]

Assignment - Land - (South Kanara) - Karkal Taluk - Mudukonaje village - Compact blocks - S.No.10/2-A - Sanctioned.

Department.

C. No.

List of records put up.

Number.	Date.	Department.	Signature of Clerk putting up the paper.	Signature of Clerk removing the pape
fo 2509 Rw X			17. 10. 6.	
fo 2261 Rw os			4 9. 6.	
fo 698 Rw ds			5. 3 6.	
fo 2568 Rw ds			3 X. 38	

C.F. 31—17,006—9-2-37.

Revenue **DEPARTMENT.**

CURRENT No. 3517F

Received _____ 19 *Registered* 12-10-40 19

73 Am

Subject.

Assignment-Land (South Kanara) -Karkal taluk - Mudukonaje village - S.No. 10/2 - Request from a member of the 'eligible' class - Proposals submitted.

Reference No.B. 3940/40-1

Station Madras, *Dated the* 7th October 19 40.

From

S.Venkateswaran Esq., I.C.S.,
Secretary,
Board of Revenue.

F.W.Stewart Esq., C.I.E., M.C., I.C.S.,
Commissioner of Land Revenue.

Read the following:-

(V) G.O.No. Ms. 2568 Revenue dated 3-10-39

(KJ) G.O.No. Ms. 698 Revenue dated 16-3-40.

Letter from M-V.Subramanian, Esq., M.A., I.C.S., Collector of South Kanara, Mangalore No. Ref. B-2. 3641/40 dated 3rd September 1940.-

Assignment- Land-Karkal taluk- Mudukonaje village- S.No. 10/2- Request from member eligible for ameliorative measure undertaken by the Labour Department.

S.No. 10/2 of Mudukonaje village of Karkal taluk measuring 2.91 acres, stands reserved for assignment to communities eligible for the ameliorative measures undertaken by the Labour Department. A portion of it [redacted] as 10/2A (9.09 acres) (page 3 of E.C.15/1350 [redacted] was encroached upon by one Parava Pakru,

a member of the eligible communities by constructing a house and digging a well. The encroachment was effected early in January 1940. The encroacher having applied for the assignment of the plot under D.C.rules, darkhast procedings were instituted in Karkal Tahsildar's D.R. 88/49. The Tahsildar's enquiry revealed that the plot in question adjoins S.No. 100/1 measuring 305.36 acres and he took action against the encroacher under the Land Encroachment Act agreeably to the instru ons contained in B.P.Rout. No.4652, dated 13-10-39 and B.P.Rout.No. 811 ~~822~~, dated 13-2-40.

2. The encroacher has now submitted a petition to me against the Tahsildar's action representing that he occupied the plot after spending about Rs.100/- and a considerable amount of labour towards its improvement on the firm belief that it would be assigned to him in the ordinary course being reserved for assignment to the Scheduled Classes and requesting that the plot may be assigned to him setting aside the Tahsildar's eviction proceedings.

3. The petitioner is eligible to get the land assigned to him as it is reserved for the benefit of the members of the eligible communities. But according to the existing rules, as already mentioned in para 1 above, the occupation itself is not permissible under clause (a) of B.P. Rt.4652, dated 13-10-39 as it was made after 7-12-38 (i.e. early in January 1940). The petitioner squatted on the land in ignorance of the present rules and relying only on the fact that the land stood reserved for assignment to the Scheduled Classes; and if he were to be evicted now from the land, the improvements effected by him at such a cost and labour have to be abandoned. Such a course will not only work real hardship on the petitioner, but also frustrate the object of reservation of such lands for the benefit of the members of eligible communities. To obviate this difficulty, I suggest that the [redacted] prescribed in clause (a) of B.P. No. 4652 [redacted]

Copy of letter from M.V.Subramanian, Esq., M.A., I.C.S., Collector of South Kanara Ref. S-2. 3641/40 dated 3-9-40.

Assignment - land - Karkal Taluk - Mudukonaje village - S.No,10/2 - Request from member eligible for ameliorative measures undertaken by the Labour Department.

S.No. 10/2 of Mudukonaje village of Karkal Taluk measuring 2.91 acres, stands reserved for assignment to communities eligible for the ameliorative measures undertaken by the Labour Department. A portion of it denoted as 10/2 A (0.09 acres) (page 3 of E.C.15/1350 enclosed) was encroached upon by one Parava Pakru, a member of the eligible communities by constructing a house and digging a well. The encroachment was effected early in January 1940. The encroacher having applied for the assignment of the plot under D.C. rules, darkhast proceedings were instituted in Karkal Tahsildar's D.R. 88/49. The Tahsildar's enquiry revealed that the plot in question adjoins S.No.100/1 measuring 305.36 acres and he took action against the encroacher under the Land Encroachment Act agreeably to the instructions contained in B.P.Rt. No.4652, dated 13-10-39 and B.P.Rt. No.811 dated 13-2-40.

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the object of reservation of such lands for the benefit of the members of eligible communities. To obviate this difficulty, I suggest that the time-limit prescribed in clause (a) of B P.Rt.4652 dated 15-10-59 may be relaxed and this case as well as cases of this kind generally which would otherwise fall under clause (b) of the B.P., may be ordered to be dealt with as under clause (a) of the B.P., referred to above. The only alternative would be to disreserve the areas reserved for assignment to the Scheduled Classes, but I do not think that is contemplated.

16/10.

may be relaxed and this case as well as cases of this kind generally which would otherwise fall under clause (b) of the B.P. may be ordered to be dealt with as under clause (a) of the B.P. referred to above. The only alternative would be to disreserve the areas reserved for assignment to the Scheduled Classes, but I do not think that is contemplated

** **

Reference

Submitted to the Government.

2. The encroacher, a member of the 'eligible' classes, occupied the land after 7-12-38. He has spent about Rs.100/- and a considerable amount of labour in improving the land, which measures only 9 cents. The Board recommends that the Collector's suggestion in the penultimate sentence of para 3 of his letter read above may be approved as a special case.

S. Ramachandra Rao
for Secretary. 10.10.40

To the Secretary to the Government, Revenue departmen
with records.

(1) Tahsildar's D.R. 38/49
(2) E.C. 15/40.

M.R.V./10-10-40.

MG
L.B/K
13/10/40.

PROCEEDINGS OF THE BOARD OF REVENUE, CHEPAUK, Madras.

F.. Stewart Esq., C.I.E., M.C., I.C.S.,

Commissioner of Land ..evenue.

B.P. Routine No. 4652 dated 13th October 193[illegible]

Sub:-- ENCROACHMENTS -- Land-- Unobjectionable encroachments-- Treatment with reference to the ban on assignments-- Orders passed-- G.O. Communicated.

.....

Read the following:--

From the Government, Revenue Department, G.O. No. Mis. 2568 dated the 3rd October 1939.

Sub:-- Encroachments-- Land-- Unobjectionable encroachments -- Treatment with reference to the ban on assignments-- Orders passed.

*****

Read the following:--

Again Memorandum No. 3530 F/37-12, dated the 7th December 1938.

From the Board of Revenue, Ref. B. No. 1214/39-2 dated 13th September 1939.

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Order:--

Unobjectionable encroachments on lands, whether assessed, unassessed or poramboke, of an extent of five acres and above and of smaller extents which form part of large compact blocks, should be dealt with as follows:--

(a) encroachments made on or before 7th December 1938 should be allowed to continue, the encroachers being warned that their occupation of the land will not confer on them any preferential claim to have the land assigned to them and that the land will be liable to be disposed of by the Government at any time according to their pleasure without payment of any compensation whatsoever;

(b) encroachments made subsequent to 7th December

1938

PROCEEDINGS OF THE BOARD OF REVENUE, Madras.

S.V. Ramamurti Esquire, I.C.S.,
Commissioner of Land Revenue.

No. B.P. Rout. 1593, Dated 23rd March 1940.

Short -title

-ENCROACHMENT - Land - Compact blocks - Reserved for assignment to members of the communities eligible - for the ameliorative measures undertaken by the Labour department - Instructions issued - Government Order - communicated.

Read - the following: -

Again - B.P.Rout. No. 4652, dated 13-10-1939.
B.P.Rout. No. 811, dated 13- 2-1940

Also

G.O.No. Ms. 698. Revenue Department, dated 16th March 1940.

Encroachment- Land - Compact blocks -Reserved for assignment to members of the communities eligible for the ameliorative measures undertaken by the - Labour Department - Instructions issued

Read - the following: -

G.O.No. 2568, Revenue Dated 3rd October 1939
Government Memo. No. 3530-F/37-14, dated - 7th February 1940.
From the Board of Revenue, Ref.B.No. 5816/39-1 dated 9th February 1940.

O R D E R:-

The attention of the Board of Revenue is invited to the orders read above. The Government direct that the instructions issued in paragraph 1 of G.O. No. 2568, Revenue dated 3rd October 1939 should be observed only in the case of occupations of lands which are in compact blocks as defined in paragraph 1 of Memorandum No.3530-F/37-14, dated 7th February 1940 or which form part of such blocks. The

above

above directions apply also to the occupation by members of the communities eligible for the ameliorative measures undertaken by the Labour Department of compact blocks or parts of such blocks even though they are reserved for assignment to such communities. The Government however direct that for the present fasli, the occupation, if otherwise unobjectionable, should be charged with nominal penalties and should not be be evicted till after harvest but that the occupations should not be permitted again as such occupations are likely to prejudice the Government's scheme of colonisation. The Board of Revenue is requested to issue instructions to Collectors accordingly.

** **

(By Order of His Excellency the Governor)

B.G.Holdsworth,
Secretary to Government.

To The Board of Revenue

RESOLUTION:-

Communicated to the Collectors of all districts except Madras for information and guidance. They are requested to issue instructions to their subordinates accordingly.

** **

(True Extract)

(Sd) S.Venkateswaran,
Secretary,

To The Collectors of all districts except Madras. (Para. 1 only)
Copy to the Commissioner of Labour Para. 1 only.
To The Collector of South Arcot, (Paras. 1 & 2 only)

Forwarded (By Order)
P.T.S.,23/3

Senior Superintendent.

11 Revenue Department.

C.No.3517 F/40) Encroachment ~~Assignment~~ - Land - (South Kanara) - Karkal taluk - Mudukonaje village - S.No.10/2 - Eligible communities - eviction - Relaxation.

From the Bd. of Rev., Ref.B.No.3940/40-1, d/7.10.40

To U.S.

Please see the Bd. s Ref. at pp.1-6 c.f.

2. According to the orders in G.O.No.2568, Rev. dated 3.10.39 as modified by G.O.No.698, Rev., dated 16.3.40 unobjectionable encroachments on lands whether assessed, unassessed or poramboke, which are in compact blocks or form part of such blocks, should be dealt with as follows:-

8 9 8:V

(a) encroachments made on or before 7.12.38 shoul be allowed to continue, the encroachers being warned that their occupation of the land will not confer on them any preferential claim to have the land assigne to them and that the land will be liable to be disposed of by the Government at any time according to their pleasure witnout payment of any compensation whatsoever;

(b) encroachments made subsequent to 7.12.38 should be penalised and evicted.

The above directions apply also to the occupatio by the eligible communities of compact blocks or part of such blocks even though they are reserved for assignment to them. In cases falling under clause (b however, the Govt. directed that for fasli 1349, the occupation, if otherwise unobjectionable, should be charged with nominal penalties and should not be ~~xixx xxi~~ evicted till after harvest but that the occupatio should not be permitted again as such occupations are likely to prejudice the Govt.'s scheme of colonisation.

3. The Collr. of S. Kanara has brought to ~~xxkx~~ notice the case of a member of the eligible communities who occupied a portion of a compact block early

in January 1940, by constructing a house and digging a well after spending about Rs.100/- and on the firm belief that the land would be assigned to him. S.No. 10/2 in question is ~~reported to be~~ reserved for assignment to the eligible communities ~~and to be~~ but a compact block-wise adjoining S.No. 100/1 measuring 305.36 acres. The Collr. considers that it would be a hardsnip if the ~~xxxxxxx~~ encroacher is evicted in accordance with the orders mentioned in para 2 above. He recommends that the time-limit prescribed in clause (a) in para 2 above might be relaxed and this case as well as cases of this kind generally which would otherwise fall under clause (b) might be ordered to be dealt with under clause (a)

para 3 to 3 (a)

(b) (a)

4. In the case referred to by the Collr. it seems that though the encroachment was made in Jan 1940, no action was taken till April. On 3.4.40, it was reported that a well had been dug and that a house was being constructed. The preparation of the B. Memo. seems to have been taken up only in June 1940. If the encroachment had been booked promptly and the encroacher warned, he might not have constructed the well and house.

5. Attention is invited to the orders recently issued in G.O.No.2509, Rev., dated 17.10.40, permitting temporary occupation of compact blocks. ~~In view of these orders, the Bd. may be informed that cases such as those referred to by the Collector need not be evicted but that they might be dealt with in accordance with these orders. A draft Memo. is submitted.~~ or portions of such blocks for cultivation. In the present case, the encroacher has constructed a house and a well on the site. It is not reported that he intends to cultivate the rest of the field though the Labour Inspector has stated that the field can be brought under cultivation easily. It does not therefore seem that this

para 17 of (I)

P. 14 of (M)

case can be dealt with under the order at fl. (T).

2. It is for orders whether in the circumstances reported by the Collr. this proposal may be accepted as a special case in respect of the encroachment in this case. ~~for~~ Though the field adjoins a large block of 305.36 acres, from the sketch at p 3 of c.f. in fl. (X), it does not seem to form a "compact" block with the latter but would seem to be an awkward addition at a corner. ~~and~~ and there seems to be no ~~objection~~ objection to its being assigned.

3. It ~~seems~~ seems unnecessary that the order issued should be relaxed so as to apply generally to cases of the kind reported by the Collr., as recommended by the Collr. and the Board

Pp. 4 to 5 c.f

P.W. 4

For orders. Finance may see for remarks

Draft to 31.

It would, perhaps, be sufficient to permit assignment in this individual case

A
-3 NOV 1941
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7/11

P.W.

Rem. no 3517 F/60-1
7-11-60.

P. 22 :D.

To U.S.

This Deptt may agree with ~~the~~ the Rev Deptt. at A on page 3 hereof with these remarks ~~on the previous page. The~~ file may be returned to Rev. Deptt.

9.11.40 9.11.40

9/11

P. W. D. U. G. 5937 9/40

SECRETARIAT 3968 11 NOV 1940 DEPARTMENT

Rev. Deptt

To U.S.

Please see the notes from p. 1 ante.

2. A draft order is submitted, accepting the Bd.'s recommendation only in regard to the particular case of encroachment, reported by the Collr.

12/11 12.11

The note from p. 1 is for perusal. The draft is for approval.

14/11

15/11

16.11.40

I. S. C: 15-11-40 R: 16-11-40

Revenue Department.

C.F. 17.

15

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying ..	11/11	
When copied ..	15/11/40	
When examined..		
When signed ..		
When despatched.		

SUBJECT:—

READ AGAIN G.O.No.2568, Rev., dated 3.10.39 (V) 19____.
G.O.No.698, Rev., dated 16.3.40. (K)
" " " " 19____.

READ *ALSO*:—G.O.No.2509, Rev., dated 17.10.40 (T)

No._____ From the _____, No._____, dated _____ 19____.
C.No.3517 F/40, From the Bd. of Rev., Ref.B.No.3940/40-1, dated 7.10.40. c.f
" _____ " _____ " _____ " _____ 19____.

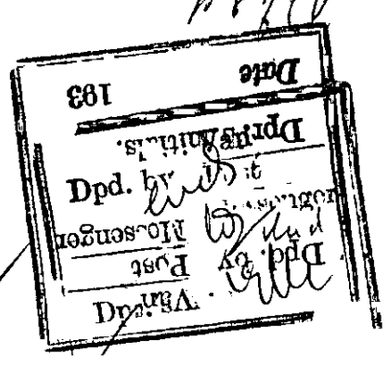
" _____ " _____ " _____ " _____ 19____.

Order Ms. No. 2830, dated 18. 11. 1940.

para 2 p 5 cf

para 1 to 3 cf

In the circumstances reported, the Government sanction the proposal of the Board of Revenue that the encroachment by Parava Pakru of S.No. 10/2.A in Mudukonaje village, Karkal taluk, South Kanara district, should be allowed to continue subject to the conditions laid down in clause (a) of para 1 of G.O.No.2568, Rev., dated 3.10.39. They do not consider it necessary that the time-limit laid down in that para should be relaxed generally.



To the Bd. of Rev.
(with Tahsildar's D.R.38/49 and E.C.15/40 returned)